

DECEMBER 1, 2017

**RULES COMMITTEE PRINT 115–45**

**TEXT OF CONCEALED**

**CARRY RECIPROCITY ACT OF 2017**

**[Showing the text of H.R. 38 and H.R. 4477 as ordered  
reported by the Committee on the Judiciary]**

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Concealed Carry Reci-  
3 procity Act of 2017”.

4 **TITLE I—CONCEALED CARRY**  
5 **RECIPROCITY ACT OF 2017**

6 **SEC. 101. RECIPROCITY FOR THE CARRYING OF CERTAIN**  
7 **CONCEALED FIREARMS.**

8       (a) IN GENERAL.—Chapter 44 of title 18, United  
9 States Code, is amended by inserting after section 926C  
10 the following:

11 **“§ 926D. Reciprocity for the carrying of certain con-**  
12 **cealed firearms**

13       “(a) Notwithstanding any provision of the law of any  
14 State or political subdivision thereof (except as provided  
15 in subsection (b)) and subject only to the requirements  
16 of this section, a person who is not prohibited by Federal  
17 law from possessing, transporting, shipping, or receiving  
18 a firearm, who is carrying a valid identification document

1 containing a photograph of the person, and who is car-  
2 rying a valid license or permit which is issued pursuant  
3 to the law of a State and which permits the person to  
4 carry a concealed firearm or is entitled to carry a con-  
5 cealed firearm in the State in which the person resides,  
6 may possess or carry a concealed handgun (other than a  
7 machinegun or destructive device) that has been shipped  
8 or transported in interstate or foreign commerce, in any  
9 State that—

10 “(1) has a statute under which residents of the  
11 State may apply for a license or permit to carry a  
12 concealed firearm; or

13 “(2) does not prohibit the carrying of concealed  
14 firearms by residents of the State for lawful pur-  
15 poses.

16 “(b) This section shall not be construed to supersede  
17 or limit the laws of any State that—

18 “(1) permit private persons or entities to pro-  
19 hibit or restrict the possession of concealed firearms  
20 on their property; or

21 “(2) prohibit or restrict the possession of fire-  
22 arms on any State or local government property, in-  
23 stallation, building, base, or park.

24 “(c)(1) A person who carries or possesses a concealed  
25 handgun in accordance with subsections (a) and (b) may

1 not be arrested or otherwise detained for violation of any  
2 law or any rule or regulation of a State or any political  
3 subdivision thereof related to the possession, transpor-  
4 tation, or carrying of firearms unless there is probable  
5 cause to believe that the person is doing so in a manner  
6 not provided for by this section. Presentation of facially  
7 valid documents as specified in subsection (a) is prima  
8 facie evidence that the individual has a license or permit  
9 as required by this section.

10 “(2) When a person asserts this section as a defense  
11 in a criminal proceeding, the prosecution shall bear the  
12 burden of proving, beyond a reasonable doubt, that the  
13 conduct of the person did not satisfy the conditions set  
14 forth in subsections (a) and (b).

15 “(3) When a person successfully asserts this section  
16 as a defense in a criminal proceeding, the court shall  
17 award the prevailing defendant a reasonable attorney’s  
18 fee.

19 “(d)(1) A person who is deprived of any right, privi-  
20 lege, or immunity secured by this section, under color of  
21 any statute, ordinance, regulation, custom, or usage of any  
22 State or any political subdivision thereof, may bring an  
23 action in any appropriate court against any other person,  
24 including a State or political subdivision thereof, who

1 causes the person to be subject to the deprivation, for  
2 damages or other appropriate relief.

3 “(2) The court shall award a plaintiff prevailing in  
4 an action brought under paragraph (1) damages and such  
5 other relief as the court deems appropriate, including a  
6 reasonable attorney’s fee.

7 “(e) In subsection (a):

8 “(1) The term ‘identification document’ means  
9 a document made or issued by or under the author-  
10 ity of the United States Government, a State, or a  
11 political subdivision of a State which, when com-  
12 pleted with information concerning a particular indi-  
13 vidual, is of a type intended or commonly accepted  
14 for the purpose of identification of individuals.

15 “(2) The term ‘handgun’ includes any magazine  
16 for use in a handgun and any ammunition loaded  
17 into the handgun or its magazine.

18 “(f)(1) A person who possesses or carries a concealed  
19 handgun under subsection (a) shall not be subject to the  
20 prohibitions of section 922(q) with respect to that hand-  
21 gun.

22 “(2) A person possessing or carrying a concealed  
23 handgun in a State under subsection (a) may do so in  
24 any of the following areas in the State that are open to  
25 the public:

1 “(A) A unit of the National Park System.

2 “(B) A unit of the National Wildlife Refuge  
3 System.

4 “(C) Public land under the jurisdiction of the  
5 Bureau of Land Management.

6 “(D) Land administered and managed by the  
7 Army Corps of Engineers.

8 “(E) Land administered and managed by the  
9 Bureau of Reclamation.

10 “(F) Land administered and managed by the  
11 Forest Service.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
13 for such chapter is amended by inserting after the item  
14 relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

15 (c) SEVERABILITY.—Notwithstanding any other pro-  
16 vision of this title, if any provision of this section, or any  
17 amendment made by this section, or the application of  
18 such provision or amendment to any person or cir-  
19 cumstance is held to be unconstitutional, this section and  
20 amendments made by this section and the application of  
21 such provision or amendment to other persons or cir-  
22 cumstances shall not be affected thereby.

23 (d) EFFECTIVE DATE.—The amendments made by  
24 this section shall take effect 90 days after the date of the  
25 enactment of this Act.

1 **SEC. 102. RULE OF CONSTRUCTION.**

2       Nothing in this title prohibits a law enforcement offi-  
3 cer with reasonable suspicion of a violation of any law  
4 from conducting a brief investigative stop in accordance  
5 with the Constitution of the United States.

6 **SEC. 103. CERTAIN OFF-DUTY LAW ENFORCEMENT OFFI-  
7 CERS AND RETIRED LAW ENFORCEMENT OF-  
8 FICERS ALLOWED TO CARRY A CONCEALED  
9 FIREARM, AND DISCHARGE A FIREARM, IN A  
10 SCHOOL ZONE.**

11       Section 922(q) of title 18, United States Code, is  
12 amended—

13           (1) in paragraph (2)(B)—

14               (A) by striking “or” at the end of clause  
15 (vi); and

16               (B) by redesignating clause (vii) as clause  
17 (ix) and inserting after clause (vi) the following:

18           “(vii) by an off-duty law enforcement officer  
19 who is a qualified law enforcement officer (as de-  
20 fined in section 926B) and is authorized under such  
21 section to carry a concealed firearm, if the firearm  
22 is concealed;

23           “(viii) by a qualified retired law enforcement of-  
24 ficer (as defined in section 926C) who is authorized  
25 under such section to carry a concealed firearm, if  
26 the firearm is concealed; or”; and

1 (2) in paragraph (3)(B)—

2 (A) by striking “or” at the end of clause

3 (iii);

4 (B) by striking the period at the end of  
5 clause (iv) and inserting a semicolon; and

6 (C) by adding at the end the following:

7 “(v) by an off-duty law enforcement officer who  
8 is a qualified law enforcement officer (as defined in  
9 section 926B) and is authorized under such section  
10 to carry a concealed firearm; or

11 “(vi) by a qualified retired law enforcement offi-  
12 cer (as defined in section 926C) who is authorized  
13 under such section to carry a concealed firearm.”.

14 **SEC. 104. INTERSTATE CARRYING OF FIREARMS BY FED-**  
15 **ERAL JUDGES.**

16 (a) IN GENERAL.—Chapter 44 of title 18, United  
17 States Code, as amended by section 101(a) of this Act,  
18 is amended by inserting after section 926D the following:

19 **“§ 926E. Interstate carrying of firearms by Federal**  
20 **judges**

21 “Notwithstanding any provision of the law of any  
22 State or political subdivision thereof, a Federal judge may  
23 carry a concealed firearm in any State if such judge is  
24 not prohibited by Federal law from receiving a firearm.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for such chapter, as amended by section 101(b) of this  
3 Act, is amended by inserting after the item relating to sec-  
4 tion 926D the following:

“926E. Interstate carrying of firearms by Federal judges.”.

## 5 **TITLE II—FIX NICS ACT**

### 6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Fix NICS Act of  
8 2017”.

### 9 **SEC. 202. ACCOUNTABILITY FOR FEDERAL DEPARTMENTS** 10 **AND AGENCIES.**

11 Section 103 of the Brady Handgun Violence Preven-  
12 tion Act (34 U.S.C. 40901) is amended—

13 (1) in subsection (e)(1), by adding at the end  
14 the following:

15 “(F) SEMIANNUAL CERTIFICATION AND  
16 REPORTING.—

17 “(i) IN GENERAL.—The head of each  
18 Federal department or agency shall submit  
19 a semiannual written certification to the  
20 Attorney General indicating whether the  
21 department or agency is in compliance  
22 with the record submission requirements  
23 under subparagraph (C).

24 “(ii) SUBMISSION DATES.—The head  
25 of a Federal department or agency shall



1 submit a certification to the Attorney Gen-  
2 eral under clause (i)—

3 “(I) not later than July 31 of  
4 each year, which shall address all rel-  
5 evant records, including those that  
6 have not been transmitted to the At-  
7 torney General, in possession of the  
8 department or agency during the pe-  
9 riod beginning on January 1 of the  
10 year and ending on June 30 of the  
11 year; and

12 “(II) not later than January 31  
13 of each year, which shall address all  
14 relevant records, including those that  
15 have not been transmitted to the At-  
16 torney General, in possession of the  
17 department or agency during the pe-  
18 riod beginning on July 1 of the pre-  
19 vious year and ending on December  
20 31 of the previous year.

21 “(iii) CONTENTS.—A certification re-  
22 quired under clause (i) shall state, for the  
23 applicable period—

24 “(I) the total number of records  
25 of the Federal department or agency

1 demonstrating that a person falls  
2 within one of the categories described  
3 in subsection (g) or (n) of section 922  
4 of title 18, United States Code;

5 “(II) for each category of records  
6 described in subclause (I), the total  
7 number of records of the Federal de-  
8 partment or agency that have been  
9 provided to the Attorney General; and

10 “(III) the efforts of the Federal  
11 department or agency to ensure com-  
12 plete and accurate reporting of rel-  
13 evant records, including efforts to  
14 monitor compliance and correct any  
15 reporting failures or inaccuracies.

16 “(G) IMPLEMENTATION PLAN.—

17 “(i) IN GENERAL.—Not later than 1  
18 year after the date of enactment of this  
19 subparagraph, the head of each Federal  
20 department or agency, in coordination with  
21 the Attorney General, shall establish a plan  
22 to ensure maximum coordination and auto-  
23 mated reporting or making available of  
24 records to the Attorney General as re-  
25 quired under subparagraph (C), and the

1 verification of the accuracy of those  
2 records, including the pre-validation of  
3 those records, where appropriate, during a  
4 4-year period specified in the plan. The  
5 head of each Federal department or agency  
6 shall update the plan biennially, to the ex-  
7 tent necessary, based on the most recent  
8 biennial assessment under subparagraph  
9 (K). The records shall be limited to those  
10 of an individual described in subsection (g)  
11 or (n) of section 922 of title 18, United  
12 States Code.

13 “(ii) BENCHMARK REQUIREMENTS.—  
14 Each plan established under clause (i)  
15 shall include annual benchmarks to enable  
16 the Attorney General to assess implemen-  
17 tation of the plan, including—

18 “(I) qualitative goals and quan-  
19 titative measures;

20 “(II) measures to monitor inter-  
21 nal compliance, including any report-  
22 ing failures and inaccuracies;

23 “(III) a needs assessment, in-  
24 cluding estimated compliance costs;  
25 and

1 “(IV) an estimated date by which  
2 the Federal department or agency will  
3 fully comply with record submission  
4 requirements under subparagraph (C).

5 “(iii) COMPLIANCE DETERMINA-  
6 TION.—Not later than the end of each fis-  
7 cal year beginning after the date of the es-  
8 tablishment of a plan under clause (i), the  
9 Attorney General shall determine whether  
10 the applicable Federal department or agen-  
11 cy has achieved substantial compliance  
12 with the benchmarks included in the plan.

13 “(H) ACCOUNTABILITY.—The Attorney  
14 General shall publish, including on the website  
15 of the Department of Justice, and submit to the  
16 Committee on the Judiciary and the Committee  
17 on Appropriations of the Senate and the Com-  
18 mittee on the Judiciary and the Committee on  
19 Appropriations of the House of Representatives  
20 a semiannual report that discloses—

21 “(i) the name of each Federal depart-  
22 ment or agency that has failed to submit  
23 a required certification under subpara-  
24 graph (F);

1 “(ii) the name of each Federal depart-  
2 ment or agency that has submitted a re-  
3 quired certification under subparagraph  
4 (F), but failed to certify compliance with  
5 the record submission requirements under  
6 subparagraph (C);

7 “(iii) the name of each Federal de-  
8 partment or agency that has failed to sub-  
9 mit an implementation plan under sub-  
10 paragraph (G);

11 “(iv) the name of each Federal de-  
12 partment or agency that is not in substan-  
13 tial compliance with an implementation  
14 plan under subparagraph (G);

15 “(v) a detailed summary of the data,  
16 broken down by department or agency,  
17 contained in the certifications submitted  
18 under subparagraph (F);

19 “(vi) a detailed summary of the con-  
20 tents and status, broken down by depart-  
21 ment or agency, of the implementation  
22 plans established under subparagraph (G);  
23 and

24 “(vii) the reasons for which the Attor-  
25 ney General has determined that a Federal

1 department or agency is not in substantial  
2 compliance with an implementation plan  
3 established under subparagraph (G).

4 “(I) NONCOMPLIANCE PENALTIES.—For  
5 each of fiscal years 2019 through 2022, each  
6 political appointee of a Federal department or  
7 agency that has failed to certify compliance  
8 with the record submission requirements under  
9 subparagraph (C), and is not in substantial  
10 compliance with an implementation plan estab-  
11 lished under subparagraph (G), shall not be eli-  
12 gible for the receipt of bonus pay, excluding  
13 overtime pay, until the department or agency—

14 “(i) certifies compliance with the  
15 record submission requirements under sub-  
16 paragraph (C); or

17 “(ii) achieves substantial compliance  
18 with an implementation plan established  
19 under subparagraph (G).

20 “(J) TECHNICAL ASSISTANCE.—The Attor-  
21 ney General may use funds made available for  
22 the national instant criminal background check  
23 system established under subsection (b) to pro-  
24 vide technical assistance to a Federal depart-  
25 ment or agency, at the request of the depart-

1           ment or agency, in order to help the depart-  
2           ment or agency comply with the record submis-  
3           sion requirements under subparagraph (C).

4           “(K) BIENNIAL ASSESSMENT.—Every 2  
5           years, the Attorney General shall assess the ex-  
6           tent to which the actions taken under the title  
7           II of the Concealed Carry Reciprocity Act of  
8           2017 have resulted in improvements in the sys-  
9           tem established under this section.

10          “(L) APPLICATION TO FEDERAL  
11          COURTS.—For purposes of this paragraph—

12               “(i) the terms ‘department or agency  
13               of the United States’ and ‘Federal depart-  
14               ment or agency’ include a Federal court;  
15               and

16               “(ii) the Director of the Administra-  
17               tive Office of the United States Courts  
18               shall perform, for a Federal court, the  
19               functions assigned to the head of a depart-  
20               ment or agency.”; and

21          (2) in subsection (g), by adding at the end the  
22          following: “For purposes of the preceding sentence,  
23          not later than 60 days after the date on which the  
24          Attorney General receives such information, the At-  
25          torney General shall determine whether or not the

1 prospective transferee is the subject of an erroneous  
2 record and remove any records that are determined  
3 to be erroneous. In addition to any funds made  
4 available under subsection (k), the Attorney General  
5 may use such sums as are necessary and otherwise  
6 available for the salaries and expenses of the Federal  
7 Bureau of Investigation to comply with this sub-  
8 section.”.

9 **SEC. 203. NICS ACT RECORD IMPROVEMENT PROGRAM.**

10 (a) REQUIREMENTS TO OBTAIN WAIVER.—Section  
11 102 of the NICS Improvement Amendments Act of  
12 2007(34 U.S.C. 40912) is amended—

13 (1) in subsection (a), in the first sentence—

14 (A) by striking “the Crime Identification  
15 Technology Act of 1988 (42 U.S.C. 14601)”  
16 and inserting “section 102 of the Crime Identi-  
17 fication Technology Act of 1998 (34 U.S.C.  
18 40301)””; and

19 (B) by inserting “is in compliance with an  
20 implementation plan established under sub-  
21 section (b) or” before “provides at least 90 per-  
22 cent of the information described in subsection  
23 (c)””; and



1           (2) in subsection (b)(1)(B), by inserting “or  
2       has established an implementation plan under sec-  
3       tion 107” after “the Attorney General”.

4       (b) IMPLEMENTATION ASSISTANCE TO STATES.—  
5       Section 103 of the NICS Improvement Amendments Act  
6       of 2007 (34 U.S.C. 40913) is amended—

7           (1) in subsection (b)(3), by inserting before the  
8       semicolon at the end the following: “, including  
9       through increased efforts to pre-validate the contents  
10      of those records to expedite eligibility determina-  
11      tions”;

12          (2) in subsection (e), by striking paragraph (2)  
13      and inserting the following:

14          “(2) DOMESTIC ABUSE AND VIOLENCE PREVEN-  
15      TION INITIATIVE.—

16               “(A) ESTABLISHMENT.—For each of fiscal  
17               years 2018 through 2022, the Attorney General  
18               shall create a priority area under the NICS Act  
19               Record Improvement Program (commonly  
20               known as ‘NARIP’) for a Domestic Abuse and  
21               Violence Prevention Initiative that emphasizes  
22               the need for grantees to identify and upload all  
23               felony conviction records and domestic violence  
24               records.

25          “(B) FUNDING.—The Attorney General—

1 “(i) may use not more than 50 per-  
2 cent of the amounts made available under  
3 section 207 of the Concealed Carry Reci-  
4 procity Act of 2017 for each of fiscal years  
5 2018 through 2022 to carry out the initia-  
6 tive described in subparagraph (A); and

7 “(ii) shall give a funding preference  
8 under NARIP to States that—

9 “(I) have established an imple-  
10 mentation plan under section 107;  
11 and

12 “(II) will use amounts made  
13 available under this subparagraph to  
14 improve efforts to identify and upload  
15 all felony conviction records and do-  
16 mestic violence records described in  
17 clauses (i), (v), and (vi) of section  
18 102(b)(1)(C) by not later than Sep-  
19 tember 30, 2022.”; and

20 (3) by adding at the end the following:

21 “(g) TECHNICAL ASSISTANCE.—The Attorney Gen-  
22 eral shall direct the Office of Justice Programs, the Bu-  
23 reau of Alcohol, Tobacco, Firearms, and Explosives, and  
24 the Federal Bureau of Investigation to—

1 “(1) assist States that are not currently eligible  
2 for grants under this section to achieve compliance  
3 with all eligibility requirements; and

4 “(2) provide technical assistance and training  
5 services to grantees under this section.”.

6 **SEC. 204. NATIONAL CRIMINAL HISTORY IMPROVEMENT**  
7 **PROGRAM.**

8 (a) STATE GRANT PROGRAM FOR CRIMINAL JUSTICE  
9 IDENTIFICATION, INFORMATION, AND COMMUNICA-  
10 TION.—Section 102 of the Crime Identification Tech-  
11 nology Act of 1998 (34 U.S.C. 40301) is amended—

12 (1) in subsection (a)(3)—

13 (A) by redesignating subparagraphs (C),  
14 (D), and (E) as subparagraphs (D), (E), and  
15 (F), respectively; and

16 (B) by inserting after subparagraph (B)  
17 the following:

18 “(C) identification of all individuals who  
19 have been convicted of a crime punishable by  
20 imprisonment for a term exceeding 1 year”;

21 (2) in subsection (b)(6)—

22 (A) by striking “(18 U.S.C. 922 note)”  
23 and inserting “(34 U.S.C. 40901(b))”; and

24 (B) by inserting before the semicolon at  
25 the end the following: “, including through in-

1           creased efforts to pre-validate the contents of  
2           felony conviction records and domestic violence  
3           records to expedite eligibility determinations,  
4           and measures and resources necessary to estab-  
5           lish and achieve compliance with an implemen-  
6           tation plan under section 107 of the NICS Im-  
7           provement Amendments Act of 2007”; and

8           (3) in subsection (d), by inserting after “un-  
9           less” the following: “the State has achieved compli-  
10          ance with an implementation plan under section 107  
11          of the NICS Improvement Amendments Act of 2007  
12          or”.

13          (b) GRANTS FOR THE IMPROVEMENT OF CRIMINAL  
14          RECORDS.—Section 106(b)(1) of the Brady Handgun Vio-  
15          lence Prevention Act (34 U.S.C. 40302(1)) is amended—

16                 (1) in the matter preceding subparagraph (A)—

17                         (A) by striking “as of the date of enact-  
18                         ment of this Act” and inserting “, as of the  
19                         date of enactment of the Concealed Carry Reci-  
20                         procity Act of 2017,”; and

21                         (B) by striking “files,” and inserting the  
22                         following: “files and that will utilize funding  
23                         under this subsection to prioritize the identifica-  
24                         tion and transmittal of felony conviction records  
25                         and domestic violence records,”;

1           (2) in subparagraph (B), by striking “and” at  
2       the end;

3           (3) in subparagraph (C)—

4                (A) by striking “upon establishment of the  
5       national system,”; and

6                (B) by striking the period at the end and  
7       inserting “; and”; and

8           (4) by adding at the end the following—

9                “(D) to establish and achieve compliance  
10       with an implementation plan under section 107  
11       of the NICS Improvement Amendments Act of  
12       2007.”.

13 **SEC. 205. IMPROVING INFORMATION SHARING WITH THE**  
14 **STATES.**

15       (a) IN GENERAL.—Title I of the NICS Improvement  
16       Amendments Act of 2007 (34 U.S. 40911 et seq.) is  
17       amended by adding at the end the following:

18 **“SEC. 107. IMPLEMENTATION PLAN.**

19       “(a) IN GENERAL.—Not later than 1 year after the  
20       date of enactment of the Concealed Carry Reciprocity Act  
21       of 2017, the Attorney General, in coordination with the  
22       States and Indian tribal governments, shall establish, for  
23       each State or Indian tribal government, a plan to ensure  
24       maximum coordination and automation of the reporting  
25       or making available of appropriate records to the National

1 Instant Criminal Background Check System established  
2 under section 103 of the Brady Handgun Violence Preven-  
3 tion Act (34 U.S.C. 40901) and the verification of the ac-  
4 curacy of those records during a 4-year period specified  
5 in the plan, and shall update the plan biennially, to the  
6 extent necessary, based on the most recent biennial assess-  
7 ment under subsection (f). The records shall be limited  
8 to those of an individual described in subsection (g) or  
9 (n) of section 922 of title 18, United States Code

10 “(b) BENCHMARK REQUIREMENTS.—Each plan es-  
11 tablished under this section shall include annual bench-  
12 marks to enable the Attorney General to assess the imple-  
13 mentation of the plan, including—

14 “(1) qualitative goals and quantitative meas-  
15 ures; and

16 “(2) a needs assessment, including estimated  
17 compliance costs.

18 “(c) COMPLIANCE DETERMINATION.—Not later than  
19 the end of each fiscal year beginning after the date of the  
20 establishment of an implementation plan under this sec-  
21 tion, the Attorney General shall determine whether each  
22 State or Indian tribal government has achieved substantial  
23 compliance with the benchmarks included in the plan.

24 “(d) ACCOUNTABILITY.—The Attorney General—

1 “(1) shall disclose and publish, including on the  
2 website of the Department of Justice—

3 “(A) the name of each State or Indian  
4 tribal government that received a determination  
5 of failure to achieve substantial compliance with  
6 an implementation plan under subsection (c) for  
7 the preceding fiscal year; and

8 “(B) a description of the reasons for which  
9 the Attorney General has determined that the  
10 State or Indian tribal government is not in sub-  
11 stantial compliance with the implementation  
12 plan, including, to the greatest extent possible,  
13 a description of the types and amounts of  
14 records that have not been submitted; and

15 “(2) if a State or Indian tribal government de-  
16 scribed in paragraph (1) subsequently receives a de-  
17 termination of substantial compliance, shall—

18 “(A) immediately correct the applicable  
19 record; and

20 “(B) not later than 3 days after the deter-  
21 mination, remove the record from the website of  
22 the Department of Justice and any other loca-  
23 tion where the record was published.

24 “(e) INCENTIVES.—For each of fiscal years 2018  
25 through 2022, the Attorney General shall give affirmative

1 preference to all Bureau of Justice Assistance discre-  
2 tionary grant applications of a State or Indian tribal gov-  
3 ernment that received a determination of substantial com-  
4 pliance under subsection (c) for the fiscal year in which  
5 the grant was solicited.

6 “(f) BIENNIAL ASSESSMENT.—Every 2 years, the At-  
7 torney General shall assess the extent to which the actions  
8 taken under title II of the Concealed Carry Reciprocity  
9 Act of 2017 have resulted in improvements in the National  
10 Instant Criminal Background Check System established  
11 under section 103 of the Brady Handgun Violence Preven-  
12 tion Act (34 U.S.C. 40903).

13 **“SEC. 108. NOTIFICATION TO LAW ENFORCEMENT AGEN-**  
14 **CIES OF PROHIBITED PURCHASE OF A FIRE-**  
15 **ARM.**

16 “(a) IN GENERAL.—In the case of a background  
17 check conducted by the National Instant Criminal Back-  
18 ground Check System pursuant to the request of a li-  
19 censed importer, licensed manufacturer, or licensed dealer  
20 of firearms (as such terms are defined in section 921 of  
21 title 18, United States Code), which background check de-  
22 termines that the receipt of a firearm by a person would  
23 violate subsection (g) or (n) of section 922 of title 18,  
24 United States Code, and such determination is made after  
25 3 business days have elapsed since the licensee contacted



1 the System and a firearm has been transferred to that  
2 person, the System shall notify the law enforcement agen-  
3 cies described in subsection (b).

4 “(b) LAW ENFORCEMENT AGENCIES DESCRIBED.—  
5 The law enforcement agencies described in this subsection  
6 are the law enforcement agencies that have jurisdiction  
7 over the location from which the licensee contacted the  
8 system and the law enforcement agencies that have juris-  
9 diction over the location of the residence of the person for  
10 which the background check was conducted, as follows:

11 “(1) The field office of the Federal Bureau of  
12 Investigation.

13 “(2) The local law enforcement agency.

14 “(3) The State law enforcement agency.”.

15 (b) TABLE OF CONTENTS.—The table of contents in  
16 section 1(b) of the NICS Improvement Amendments Act  
17 of 2007 (Public Law 110–180; 121 Stat. 2559) is amend-  
18 ed by inserting after the item relating to section 106 the  
19 following:

“Sec. 107. Implementation plan.

“Sec. 108. Notification to law enforcement agencies of prohibited purchase of  
a firearm.”.

20 **SEC. 206. ATTORNEY GENERAL REPORT ON USE OF BUMP**  
21 **STOCKS IN CRIME.**

22 (a) IN GENERAL.—Using amounts made available for  
23 research, evaluation, or statistical purposes, within 180  
24 days after the date of the enactment of this Act, the Attor-

1 ney General shall prepare and submit to the Committee  
2 on the Judiciary of the House of Representatives and the  
3 Committee on the Judiciary of the Senate a written report  
4 that—

5 (1) specifies the number of instances in which  
6 a bump stock has been used in the commission of a  
7 crime in the United States;

8 (2) specifies the types of firearms with which a  
9 bump stock has been so used; and

10 (3) contains the opinion of the Attorney Gen-  
11 eral as to whether subparagraphs (B)(i) and (C)(i)  
12 of section 924(c)(1) of title 18, United States Code,  
13 apply to all instances in which a bump stock has  
14 been used in the commission of a crime of violence  
15 in the United States.

16 (b) DEFINITION OF BUMP STOCK.—In this section,  
17 the term “bump stock” means a device that—

18 (1) attaches to a semiautomatic rifle (as defined  
19 in section 921(a)(28) of title 18, United States  
20 Code);

21 (2) is designed and intended to repeatedly acti-  
22 vate the trigger without the deliberate and volitional  
23 act of the user pulling the trigger each time the fire-  
24 arm is fired; and

1           (3) functions by continuous forward pressure  
2       applied to the rifle's fore end in conjunction with a  
3       linear forward and backward sliding motion of the  
4       mechanism utilizing the recoil energy when the rifle  
5       is discharged.

6   **SEC. 207. AUTHORIZATIONS OF APPROPRIATIONS.**

7       (a) IN GENERAL.—There is authorized to be appro-  
8       priated \$100,000,000 for each of fiscal years 2018  
9       through 2022 to carry out, in accordance with the NICS  
10      Act Record Improvement Program and the National  
11      Criminal History Improvement Program, the activities  
12      under—

13           (1) section 102 of the NICS Improvement  
14      Amendments Act of 2007;

15           (2) section 103 of the NICS Improvement  
16      Amendments Act of 2007;

17           (3) section 102 of the Crime Identification  
18      Technology Act of 1998; and

19           (4) section 106(b) of the Brady Handgun Vio-  
20      lence Prevention Act.

21       (b)    ADDITIONAL    AUTHORIZATIONS.—Section  
22      1001(a) of the Omnibus Crime Control and Safe Streets  
23      Act of 1968 (34 U.S.C. 10261(a)) is amended—

24           (1) in paragraph (1)—

1 (A) by striking “\$33,000,000” and insert-  
2 ing “\$31,000,000”;

3 (B) by striking “1994 and 1995” and in-  
4 serting “2018 through 2022”; and

5 (C) by inserting “, in addition to any  
6 amounts otherwise made available for research,  
7 evaluation or statistical purposes in a fiscal  
8 year” before the period; and

9 (2) in paragraph (2)—

10 (A) by striking “\$33,000,000” and insert-  
11 ing “\$27,000,000”;

12 (B) by striking “1994 and 1995” and in-  
13 serting “2018 through 2022”; and

14 (C) by inserting “, in addition to any  
15 amounts otherwise made available for research,  
16 evaluation or statistical purposes in a fiscal  
17 year” before the period.

